



COUNTY MICHIGAN  
DEPARTMENT OF HUMAN RESOURCES

L. BROOKS PATTERSON, OAKLAND COUNTY EXECUTIVE

Nancy Scarlet, Director

May 23, 2011

Diana Lopez  
Senior Editor – Sunshine Review

RE: FOIA Request – Dated May 8, 2011 and Received by Oakland County via e-mail  
on May 9, 2011

Dear Ms. Lopez:

This is in further response to the above-referenced FOIA request. By letter dated May 12, 2011 and e-mailed to you on that date, the time to respond to your FOIA request was extended by ten business days to on or before June 1, 2011. This extension was pursuant to MCL 15.235(2)(d). Your request was for the following:

“1) Records\* of salaries from January 1, 2008 to January 1, 2011 for the following, or equivalent, positions:

- Captain/Captain Detective
- Deputy Superintendent
- Superintendent
- Superintendent In Chief
- Commissioner

2) Benefits information in dollars for items 1 and 2.

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- 3) Overtime paid to personnel who retired January 1, 2008 to January 1, 2011. For example, if John Smith retired January 1, 2008, how much overtime was he paid in 2008?
- 4) Number of department-issued cell phones from January 1, 2008 to January 1, 2011. Also, any relevant policy regarding department-issued cell phones and cell phone reimbursement.
- 5) Number of department-issued personal cars for take-home use from January 1, 2008 to January 1, 2011. Also, any relevant policy regarding department-issued cars and mileage reimbursement."

With respect to requests "1" and "2" the Oakland County Sheriff's Department does not have the positions of Deputy Superintendent, Superintendent, Superintendent In Chief, or Commissioner. The most equivalent positions are those of Sheriff and Undersheriff.

Enclosed is a document showing the annual salary and fringe benefit amounts for the positions of Sheriff, Undersheriff, and Captain for the years 2008, 2009, 2010, and 2011.

With respect to request "3", the positions Sheriff, Undersheriff, and Captain are overtime exempt and, therefore, no overtime was paid to any person in those positions.

With respect to request "4", there are currently 112 cell phones issued for use by Sheriff's Department employees. In order to determine the number of cell phones issued for use by Sheriff's Department employees from January 1, 2008 to January 1, 2011 it would require a detailed public record search by an employee of the Department of Information Technology. The estimated cost of that public records search is \$307.80 based upon the hourly wage of \$25.65, for the lowest paid employee capable of retrieving the information. It is estimated that the employee would need four hours to search the records for each of the three years, 2008, 2009, and 2010. Pursuant to MCL 15.324(2) a good faith deposit of ½ of the total fee may be required at the time the request is made. Therefore, please remit a check or money order, to my attention, payable to Oakland County in the amount of \$153.90 if you wish to have such a public records search done. Enclosed is a copy of the Employee Cellular Requisition And Acquisition procedure.

With respect to request "5", in 2008 the Sheriff's Department had 101 vehicles that were taken to and from work. In each year from 2009 to the present there have been 98 vehicles taken to and from work. Those vehicles consist of both marked patrol units and unmarked units that are assigned to command and detectives who are on call 24/7. None of the vehicles are allowed for personal use. Also enclosed is a copy of the County Policy On Assignment Of County Vehicles and a copy of a Memorandum showing the current County mileage reimbursement rate.

The enclosed documents are copies of all documents of Oakland County that are responsive to your FOIA request.

### YOUR FURTHER LEGAL RIGHTS

To the extent that this response, in your opinion, constitutes a denial of your FOIA rights under the Michigan Freedom of Information Act, your statutory remedies under MCL 15.240, as required to be provided to you by the statute, are as follows:

#### MCL 15.240

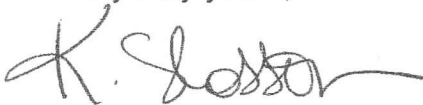
1. (1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:
  - (a) Submit to the head of the public body (*as identified above*) a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.
  - (b) Commence an action in the circuit court to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny the request.
- (2) Within 10 days after receiving a written appeal pursuant to subsection (1)(a), the head of the public body shall do one of the following:
  - (a) Reverse the disclosure denial.
  - (b) Issue a written notice to the requesting person upholding the disclosure denial.
  - (c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.
  - (d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of the public body shall not issue more than one notice of extension for a particular written appeal.
- (3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing an action in the circuit court under subsection (1)(b).
- (4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record

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wrongfully withheld, regardless of the location of the public record. The circuit court of the county in which the complainant resides or has his or her principal place of business, or the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

- (5) An action commenced under this section and appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.
- (6) If a person asserting the right to inspect, copy, or to receive a copy of all or a portion of a public record prevails in an action commenced under to this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or the public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).
- (7) If the circuit court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body, that is not an individual and that kept or maintained the public record as a part of its public function.

Very truly yours,



Kristy Slosson  
Human Resources Supervisor

Enc.